

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE

DOUGLAS ROBINSON,)	
)	
Petitioner,)	
)	
v.)	Nos.: 3:12-CR-75-TAV-HBG
)	3:15-CV-182-TAV
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

MEMORANDUM OPINION AND ORDER

The Petitioner, Douglas Robinson (“Robinson”), was convicted of being a felon in possession of firearms and ammunition, and the Court sentenced him to 130 months in prison, pursuant to the Armed Career Criminal Act [Doc. 31]. The Sixth Circuit Court of Appeals affirmed the judgment [Doc. 37].¹

The Petitioner filed a timely motion under 28 U.S.C. § 2255, contesting the application of the Armed Career Criminal Act to his sentencing [Doc. 41]. The United States filed a response [Doc. 43]. The Petitioner filed a reply [Doc. 47], arguing that he should be resentenced in light of *Johnson v. United States*, 135 S. Ct. 2551 (2015).

The Government then filed another response [Doc. 51], in which the Government agreed that in light of the *Johnson* decision, the Petitioner’s § 2255 motion should be granted, and the Petitioner should be resentenced. Finally, the Petitioner filed another reply [Doc. 53], noting that the Government had asked the Court to impose a new sentence within

¹ All citations to the record are found on the docket of Case No. 3:12-CR-75-TAV-HBG.

the statutory range. The Petitioner urges the Court to impose a sentence at the low end of his guidelines range.

The Court finds that the Petitioner's motion [Doc. 41] is well-taken, and it is not opposed by the Government. Accordingly, the Court hereby **GRANTS** the motion [Doc. 41].

Because the parties are not in agreement on a proposed sentence, the Court will hold a resentencing hearing in this matter on **Wednesday, May 30, 2018, at 2:00 p.m.** Should the Petitioner intend to waive his right to be present at the resentencing hearing, he shall inform the Court of that intention within **fourteen (14) days** of the entry of this order.

It is further **ORDERED** that the Bureau of Prisons relinquish custody of the Petitioner, Douglas Robinson, BOP Reg. No. 45089-074, to the United States Marshals Service, and that the United States Marshal, or his authorized deputy, shall transport the Petitioner to this district on or before **May 16, 2018**, in order for him to meet with his attorney and prepare for the resentencing hearing.

Sentencing memoranda, if any, must be filed no later than **May 23, 2018**.

IT IS SO ORDERED.

s/ Thomas A. Varlan
CHIEF UNITED STATES DISTRICT JUDGE